

EXHIBIT 1

**RPD 30(b)(6) Deposition - George
Gillenwater**

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 DERRICK JOVAN McRAE,)
4)
5 PLAINTIFF,)
6)
7 V.) 1:21-CV-577-LCB-JLW
8)
9 ERIK A. HOOKS,)
10 Secretary, N.C. Dep't)
11 of Public Safety,)
12)
13 DEFENDANT.)

14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

Rockingham, North Carolina
Monday, September 26, 2022

12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

1 APPEARANCES OF COUNSEL

2 On behalf of the Petitioner:

3
4 Jamie T. Lau
5 Wrongful Convictions Clinic
Duke University School of Law
Box 90360
6 Durham, NC 27708
jamie.lau@law.duke.edu
7

8 On behalf of the Respondent:

9
10 Zachary K. Dunn
Kimberly N. Callahan
11 Department of Justice
114 West Edenton Street
Raleigh, NC 27603
12 zdunn@ncdoj.gov
kcallahan@ncdoj.gov
13

14 Also Present:
15

16 Chuck Habrack, Videographer
Kelly Keglovits, Duke
17

18
19
20
21
22
23
24
25

1 INDEX TO EXAMINATIONS AND EXHIBITS

2	Examination	Page
3		
4	Direct by Mr. Lau	7
5	Cross by Mr. Dunn	44
6	Cross by Ms. Callahan	48
7	Redirect by Mr. Lau	49
8	Recross by Ms. Callahan	52

7
8 * * *

9	Exhibit	Page
10	(None Marked.)	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Today is
3 September 26th, 2022. The time is
4 approximately 1:50 p.m. We are now on
5 the record.

6 This is the beginning of media
7 one in the 30(b)(6) deposition of
8 Rockingham Police Department. The
9 corporate representative is George
10 Gillenwater. In the matter of Derrick
11 Jovan McRae verse Eric A. Hooks, et al.
12 The case is In The United States
13 District Court For The Middle District
14 of North Carolina, Case Number
15 1:21CV577.

16 Today's location is 105 West
17 Franklin Street, Rockingham, North
18 Carolina 28379. My name is Chuck
19 Habrack. I'm the videographer. The
20 recorder is Kylie Fleming.

21 For the record, can counsel
22 please introduce yourselves, whom you're
23 representing, then the recorder will
24 swear in the witness.

25 MR. LAU: Jamie Lau on behalf

1 of the petitioner, Derrick McRae.

2 MS. CALLAHAN: Kimberly

3 Callahan on behalf of respondent.

4 MR. DUNN: And Zachary Dunn on
5 behalf of the respondent.

6 And just before we get started
7 -- well, do you want to swear in the
8 witness first or --

9 THE COURT REPORTER: You
10 can --

11 MR. DUNN: Okay. Just before
12 we get started, I want to put our
13 objection on the record. We object to
14 the magistrate judge's limited discovery
15 order, and should the district judge
16 rule in our favor, we would further
17 object to this deposition being used in
18 any other proceeding. Thank you.

19 THE COURT REPORTER: Okay.
20 And, Mr. Gillenwater, can you please
21 raise your right hand.

22 Do you swear or affirm today
23 to tell the truth, the whole truth, and
24 nothing but the truth?

25 THE WITNESS: I swear, I do.

1 THE COURT REPORTER: Thank you
2 so much.

3 And, counsel, you may -- you
4 may begin.

5 MR. LAU: Yes. And also, I'd
6 like to note for the record that
7 Mr. Gillenwater is here on behalf of the
8 Rockingham Police Department under Rule
9 30(b)(6), as its designee. Pursuant to
10 Rule 30(b)(6), the party receiving a
11 subpoena is required to confer in good
12 faith about the matters of examination.
13 Counsel for petitioner communicated with
14 the Rockingham Police Department via
15 email about the meeting confer
16 requirement and attempted to schedule a
17 time to do so but has not heard prior to
18 now from the Rockingham Police
19 Department.

20 Accordingly, petitioner will
21 proceed with the deposition today but
22 reserves the right to recall
23 Mr. Gillenwater or another individual as
24 the designee to sit for another agency
25 deposition, if -- if necessary.

4 DIRECT EXAMINATION

5 BY MR. LAU:

6 Q. With that, I'd like to -- I'm Jamie Lau,
7 and I represent Derrick McRae, Chief
8 Gillenwater. And I like to generally
9 ask first, you know, have you had an
10 opportunity to speak with other
11 individuals about the file in the
12 Derrick McRae case?

13 A. Yes. Yes, I have.

14 Q. Okay. And what about historical file
15 keeping for the Rockingham Police
16 Department more generally?

17 A. I spoke to Chief -- prior Chief Billy
18 Kelly about that time frame.

19 Q. Do you feel reasonably prepared to
20 answer questions about recordkeeping
21 practices of the Rockingham Police
22 Department?

23 A. Probably not during that time frame, no.

24 Q. Okay. With regard to your discussions
25 with Mr. Kelly, did you speak

1 **specifically about that time frame?**

2 A. I did.

3 Q. Okay. And what did he share with you
4 **regarding that time frame?**

5 A. During the '96 time frame --

6 Q. **Yeah, the --**

7 A. -- specifically?

8 Q. -- **time frame specifically from October**
9 **of '95.**

10 A. He said that he really wouldn't have had
11 any knowledge about what the records
12 process was back then, either. I think
13 he was a patrol officer --

14 Q. **Okay.**

15 A. -- in '96.

16 Q. **Did you speak with any of the officers**
17 **involved with this case?**

18 A. I did not.

19 Q. **Robert Voorhees?**

20 A. I have not.

21 Q. **Chris Brigman?**

22 A. I have not.

23 Q. **Okay. Any other efforts to confer with**
24 **others to determine the practices of the**
25 **RPD during that period in time?**

1 A. So my resources are very limited --

2 **Q. Fair enough.**

3 A. -- during that time frame. Pretty much
4 Chief -- prior Chief Billy Kelly is --
5 is my go-to resource --

6 **Q. Okay.**

7 A. -- during that time frame. I don't have
8 a way of making contact with Robert
9 Voorhees.

10 I asked Billy Kelly if he had
11 a number or some way to make contact
12 with him, and he said that the last that
13 he had heard basically was that he was
14 driving trucks and is out of town quite
15 a bit and wasn't really sure how to make
16 contact with him, either.

17 **Q. Okay. Understood. Can you describe
18 your history with the agency?**

19 A. I started at Rockingham Police
20 Department in 2006. I left briefly for
21 about two years from 2012 to 2014 and
22 was a special agent with the Department
23 of Revenue Drug Techs, and I came back
24 in 2014 to Rockingham Police Department.
25 Much of my time was either in narcotics

1 or criminal investigations division, and
2 I was promoted to chief of the
3 department after Billy Kelly retired in
4 December of last year.

5 Q. With respect to the file-keeping
6 practices of the Rockingham Police
7 Department, would you feel reasonably
8 comfortable answering questions about
9 those practices after 2006?

10 A. Yes.

11 Q. Okay. And prior to 2006, would you be
12 able to describe any of the practices of
13 the department before that time?

14 A. I would not be able to, no.

15 Q. Okay. You -- The agency, the Rockingham
16 Police Department, received a subpoena
17 in this matter dated August 31st, 2022,
18 requesting agency records or RPD records
19 related to an investigation in the death
20 of Jeremy Rankin.

21 Specifically, that subpoena
22 requested records from between the
23 period of October 15th, 1995, to
24 February 21st, 1996.

25 Can you describe the efforts

1 **made to locate records from that period?**

2 A. So I spoke with Billy Kelly, once again,
3 and asked him of the whereabouts of the
4 original file, because I -- up to this
5 point, I had no dealings.

6 My understanding was that this
7 had come up in 2018, maybe, and he had
8 to find the -- the file and the evidence
9 for that proceeding.

10 He told me that the file and
11 the evidence were retrieved from the
12 clerk's office after that proceeding and
13 they're in a safe.

14 I checked with my evidence
15 technician, and he said that everything
16 was still in place in the safe. And
17 then I asked my file clerk to go back
18 through the records in '96 to see if
19 there was anything that was out of place
20 that may have anything at all to do with
21 this listed matter.

22 Ms. Brisk said that she was
23 unable to find anything that could be a
24 part of this investigation. And also
25 back then, there wasn't any Bates

1 stamping or anything like that. So
2 short of there being an OCA number
3 written on any paperwork, we really
4 wouldn't be able to know if it was, you
5 know, a part of the investigation,
6 unless it noted a name or there was some
7 photos or anything like that. And so --
8 But we were unable to find anything.

9 Q. So you asked your records custodian,
10 just to clarify --

11 A. Yes.

12 Q. -- to review case files from 1996 --

13 A. Yes.

14 Q. -- to try and identify --

15 A. Well, to go through the -- we have
16 filing cabinets for each year. And we
17 were in the process of -- of purging
18 files, anyway. So while she was doing
19 that, I asked her to go through and make
20 sure that we weren't missing -- or if
21 there wasn't any documents that were
22 loosely in the filing cabinets, to see
23 if, you know, it was pertinent to the --
24 this -- this matter.

25 Q. Is there a filing cabinet for 1995?

1 A. There would be, yes.

2 Q. Do you know if she reviewed the 1995
3 filing cabinet?

4 A. She did, yeah.

5 Q. Are all files maintained by the records
6 custodian? Is that -- Can you describe
7 just generally how files are stored --

8 A. Well --

9 Q. -- at the Rockingham Police Department?

10 A. -- right now, they're under lock and key
11 in a file room. All prior murder cases,
12 high-level felony cases, sexual
13 assaults, rapes, things like that are
14 kept separate. And myself and the
15 assistant chief has access to the filing
16 room, nobody else. We have to let the
17 records clerk in if she needs to -- to
18 get any out of there.

19 Q. How long has that been the process,
20 where you or the assistant chief were
21 the only ones with keys to --

22 A. As far as I know, that's been a process
23 when Billy was the chief. Him and the
24 assistant chief at the time, Major
25 Grant, were the only two who had access

1 to the filing room.

2 Q. Okay. Now, you testified with respect
3 to these records that they were kept in
4 a safe, the records related to the McRae
5 case. Is that safe in that filing room?

6 A. It is not. It's in a separate part of
7 the police department.

8 Q. Okay. And do you know why the records
9 here were separate from the records that
10 were kept in the file room?

11 A. As I previously stated, my understanding
12 was that this matter came before the
13 courts in 2018, 2019. And Billy Kelly
14 had spent some time trying to find that
15 file and the evidence that went with
16 that file.

22 Q. Did -- Did he describe those prior
23 efforts to locate the file?

24 A. He -- Not to me, no.

25 Q. Okay. Anything else done with regards

1 to this search for records beyond --

2 well, did you go to the safe and

3 identify files in the safe?

4 A. I did not.

5 Q. Okay. So the files that are in the safe

6 were represented to you by Mr. Kelly --

7 or former Chief Kelly as being files

8 that were produced back at an earlier

9 time?

10 A. That's correct.

11 Q. Okay. Did he indicate that there were

12 any records in there that may not have

13 been produced?

14 A. He did not, no.

15 Q. Okay. With regards to the storage of

16 electronic records, does the Rockingham

17 Police Department have electronic

18 records stored from the period dating

19 back to October of 1995?

20 A. I honestly -- I would assume that we

21 probably do, but I don't know --

22 Q. Okay.

23 A. -- with absolute certainty.

24 Q. Who would have access to the electronic

25 records that potentially exist for the

1 **RPD?**

2 A. From -- From that time frame?

3 **Q. Yes.**

4 A. I mean, I would have --

5 **Q. Yes, sir.**

6 A. -- access to that if they're in the
7 filing room.

8 **Q. Has anything been done to identify
9 whether or not electronic records exist
10 from the period of time between October
11 15th, 1995, to February 21st, 1996?**

12 A. With -- Specifically in regards to this
13 case, yes, but just in general, no. Not
14 -- Not for this -- that generalized time
15 frame.

16 **Q. Okay. Who did that search for
17 electronic records?**

18 A. My records custodian.

19 **Q. Okay. And are there -- speaking for the
20 agency, there are electronic files
21 dating back that far; is that correct?**

22 A. I honestly don't know.

23 **Q. Okay.**

24 A. I -- I would assume if there was some
25 audiotapes -- and I'm -- I guess that's

1 what you're referring to, because there
2 wouldn't be a CD or a DVD -- but, yes,
3 they would be -- they would be in the
4 filing room.

5 **Q. What -- Beyond -- Beyond audiotapes,**
6 **CDs, DVDs, what about electronically**
7 **stored documents, documents that were**
8 **scanned in or otherwise typed into a**
9 **computer database or system dating back**
10 **to this period in time?**

11 A. I'm not sure that we -- I'm not sure we
12 would have anything like that --

13 **Q. Okay.**

14 A. -- from back then. I'd have to -- I'd
15 have to go back and look.

16 **Q. Do -- Do you know when the general**
17 **database began, when -- when**
18 **investigative records --**

19 A. Yeah.

20 **Q. -- are being typed into a --**

21 A. Yeah, we're --

22 **Q. -- server base?**

23 A. -- probably a little behind the curve --

24 **Q. Okay.**

25 A. -- in that -- in that regard. I would

1 say Police-Pak RMS came to Rockingham
2 maybe in '02 or '03.

3 **Q. Okay.**

4 A. So --

5 **Q. And -- And Police-Pak, can you decide --**
6 **describe that system?**

7 A. That's our --

8 **Q. Can you --**

9 A. -- records management system.

10 **Q. Okay. So now is everything digitized in**
11 **that --**

12 A. Yes --

13 **Q. -- Police-Pak?**

14 A. Yes, sir.

15 **Q. Okay. And -- And you -- your**
16 **understanding was that occurred sometime**
17 **in the early 2000s?**

18 A. That's correct.

19 **Q. Okay.**

20 A. Yes, sir.

21 **Q. Prior to Police-Pak, was there any use**
22 **of computers to store criminal**
23 **information that you're aware of,**
24 **investigation --**

25 A. I don't --

1 Q. -- **infor** --

2 A. -- yeah, I don't know. That -- That was
3 before my time.

4 **Q. Okay. Specific to the McRae matter, did**
5 **you make any inquiries of former Chief**
6 **Kelly or anyone else about the contents**
7 **or knowledge of any contents of records**
8 **from October 15th to February 21st,**
9 **1996?**

10 A. No. My -- My general inquiry with him
11 was, A, where is the file at? Because I
12 didn't know where it was at to begin
13 with. And, of course, he wanted to know
14 what was going on, and I explained the
15 situation to him, and that was pretty
16 much the extent of it.

17 He had mentioned that he had
18 gone through this, like I said, in 2018
19 to 2019, and he said that obviously if
20 the file and evidence weren't in the
21 safe, then it would still be with the
22 clerk's office.

23 Now, there was some confusion
24 because I was calling it McRae and --
25 and everybody else was calling it

1 Rankin. So there was a lot of
2 confusion. So it took me some time to
3 sort of figure out where everything was
4 at. But once we got that sorted, it was
5 apparent that everything was where it
6 was supposed to be.

7 **Q. Okay, in the -- in the safe.**

8 **With regards to the -- the**
9 **file room, you said there's key access**
10 **that you and the assistant chief has.**

11 **If -- If files are removed**
12 **from the file storage room, is there any**
13 **log or any records kept of the files**
14 **being removed from that?**

15 A. No.

16 **Q. If I'm an investigator and I need to**
17 **access a file, what are the pros --**
18 **procedures for my gaining access to that**
19 **file?**

20 A. They would have to generate a request to
21 either myself or the assistant chief.

22 Typically they keep -- So at our
23 department, the investigators keep a
24 master file with themselves, and then
25 there is a file that's kept in the file

1 room, and then there's also a digital
2 file being on their computer.

3 So there really wouldn't be
4 any need now for them to go into the
5 file room. I can't think of a time that
6 -- that any of the detectives have
7 needed to go into the file room to pull
8 a file, because they have access to it
9 on -- through the cloud, through their
10 own copies, CD, things like that,
11 because we have to make -- they have to
12 make two investigative files. They have
13 to send one through to the DA's office
14 through DAS, so there's a record there.
15 They typically keep a -- a record on
16 their computer or laptop, as well.

17 So...

18 **Q. So the materials that they have access**
19 **to through the cloud would be identical**
20 **to the materials that --**

21 A. Yes, sir.

22 **Q. -- are kept there? Okay.**

23 **And with regards to the**
24 **materials that -- I guess get**
25 **transferred into that master file that's**

1 maintained, can you describe those --
2 the general contents of -- of a master
3 file that's stored --

4 A. Yeah.

5 Q. -- on a given case?

6 A. Yeah. Depending on the case, any
7 interviews, the original report, any
8 photographs that may have been taken,
9 any audio or digital recordings that
10 would have been taken, and, you know,
11 pretty much everything that would have
12 been done in the case is represented in
13 the case file, and obviously now -- but
14 everything is Bates stamped to ensure
15 that someone's not missing something on
16 either side.

17 Q. Okay. And -- And are officers'
18 handwritten notes included --

19 A. Yes.

20 Q. -- in that?

21 A. Yes, sir.

22 Q. And -- And how far back do you recall it
23 being the practice that everything that
24 was a product of the investigation went
25 into that master file that's stored --

1 A. Yeah. As long as -- since I started in
2 '06, '07. I mean, that's always been
3 the case. Discovery, you had to make
4 sure that everything was -- was
5 represented in that case file.

6 Q. Okay. Do you -- Do you have any -- any
7 knowledge about -- going back to the
8 period of time here, what was required
9 to be kept in the master case file?

10 A. Just -- Just my assumptions, but, no, I
11 don't know exactly what would have been
12 required back -- back then.

13 Q. Okay. So if -- if -- if a file is in
14 the file room, is there a log kept of
15 that file when it's filed there
16 indicating it being placed there and its
17 location in the file room?

18 A. I don't believe so, no.

19 Q. Okay. Beyond that file room, do you
20 know of any locations where historical
21 or older files are kept by the
22 Rockingham Police Department?

23 A. For a time period, there was an
24 alternate storage facility in Robert L.
25 It's an old building that the city

1 owned, and there were older files and
2 evidence that was in there for some
3 time.

4 **Q. Okay. And -- And -- And does that**
5 **building still have files and evidence**
6 **there?**

7 A. I don't know. I -- I haven't been down
8 there in ten years or more. So --

9 **Q. Okay. So safe to say you -- if -- if**
10 **material from this case exists there,**
11 **you don't know?**

12 A. I wouldn't know.

13 **Q. You wouldn't know. Okay.**

14 **Now, with regard to those --**
15 **those files, who are the -- who's --**
16 **who's the custodian of the files there,**
17 **stored there? Is it still the**
18 **Rockingham Police Department?**

19 A. Yeah, if there's anything down there. I
20 think Chief Kelly cleaned that area up
21 or -- or, you know -- I don't know that
22 there's anything that exists down there
23 anymore, to be honest with you.

24 **Q. Okay.**

25 A. But, yeah, that -- that would be the

1 case.

2 Q. That would be the case?

3 A. Yeah.

4 Q. Okay. Have -- Have you ever known an
5 agency file to -- to be kept offsite for
6 any period of time before coming back to
7 the Rockingham Police Department?

8 A. No, sir.

9 Q. Okay. Are you aware that Detective
10 Voorhees testified that when he was the
11 chief, he looked for the file and it was
12 not located at the RPD?

13 A. I was not aware of that, no, sir.

14 Q. Okay. Is there any reason for a master
15 file to be located offsite at any period
16 of time?

17 A. Not that I can think of, no.

18 Q. Okay. With regards to conveying files
19 or -- or producing files to the district
20 attorney's office, can you generally
21 describe what files are produced to the
22 district attorney's office, how that
23 file -- and -- and -- and how that
24 production is made?

25 A. All felony files are produced to the

1 district attorney's office, and it's
2 done so through a system called DAS,
3 D-A-S.

4 Basically an investigator
5 completes the case file, would have to
6 do a -- basically a header sheet that
7 describes the -- the crime committed,
8 the -- the victim, the suspect, the date
9 and time and place that it occurred.

10 And then the entirety of the
11 file -- and there's a discovery
12 certification page, which is an
13 acknowledgment page saying the DA's
14 office received the discovery -- all
15 this is Bates stamped. We have a unique
16 identifying number. Ours is -- starts
17 with a 04. That's our agency one.
18 And it's scanned in and then sent
19 through this DAS system to the DA's
20 office.

21 And my understanding is, is
22 that one of the assistants there
23 downloads it and either burns it to a
24 disk or prints it out for both the
25 district attorney and the defense

1 attorney.

2 **Q. Do you know at what point in time the**
3 **RPD began using that system?**

4 A. I can give you a guess, because this
5 happened while I was there. I think it
6 was around 2009, 2010.

7 **Q. Okay. And prior to 2009, 2010, how were**
8 **materials produced to the district**
9 **attorney's office?**

10 A. Hand delivered.

11 **Q. And -- And what was a part of that**
12 **delivery?**

13 A. Substantially the same -- the same
14 stuff, just delivered by hand instead of
15 via the DAS portal system.

16 **Q. Was there any meetings with officers**
17 **making that delivery to discuss what was**
18 **being received?**

19 A. I don't recall.

20 **Q. Any log that you're aware of documenting**
21 **the transmission between the agency and**
22 **the district attorney's office?**

23 A. Well, there was -- that certification
24 page was still a part of the process, so
25 you walk it over there and deliver it.

1 There may have been a counsel on it,
2 depending on the -- the case matter.
3 And then the -- the assistant would sign
4 off saying she received it, and we'd
5 sign off saying that we'd given it to
6 them.

7 They'd make a copy of the
8 certification, and we kept it with --
9 with our file.

10 **Q. Okay. And -- And do you know how long**
11 **that practice was in place to receive a**
12 **certification of the discovery being**
13 **provided?**

14 A. I don't know.

15 **Q. Okay. Do you know in the McRae case if**
16 **there's any certification indicating**
17 **what materials were turned over?**

18 A. I don't.

19 **Q. With regards to the retention of**
20 **records, what is the policy regarding**
21 **the retention of records?**

22 A. So all -- all felony cases are
23 maintained. Homicides are maintained
24 for -- forever, but we follow the record
25 retention laws, the guidelines set for

1 by North Carolina.

2 **Q. So homicides are kept forever. You said**
3 **that there's a -- a -- a purge of files**
4 **going on in the current process?**

5 A. Yeah. There was -- When I took over,
6 because they didn't have RMS, you know,
7 leading up to '02 or so, all those
8 incident reports, accident reports, and
9 things like that that could have been
10 purged just were purged.

11 So following those record
12 retention guidelines, we started
13 removing some of that stuff to create
14 some space in the file room.

15 **Q. Okay. Speaking on the behalf of RPD,**
16 **can you think of any reason why**
17 **materials would be removed from one of**
18 **these master case files?**

19 A. I cannot.

20 **Q. With respect to the McRae case or the**
21 **Jeremy Rankin homicide investigation,**
22 **are you familiar with the fact that**
23 **Mr. Rankin was found deceased on the**
24 **morning of October 15th, 1996 -- 1995?**
25 **Excuse me.**

1 A. Yes.

2 Q. Okay. And based on the prior subpoena,
3 we're seeking records from between that
4 time and February 21st, 1996.

5 With regards to the agency
6 files, do you know of any other case
7 where the first four months of records
8 for -- from an investigation don't
9 exist?

10 A. No, I don't.

11 Q. Would the agency ordinarily inspect
12 records from the first four and a half
13 months of investigation to an existing
14 case?

15 A. Yes.

16 Q. And what sort of investigative
17 activities would the agency generally
18 expect to see in a record through that
19 period in time?

20 A. The first four months of, I guess, just
21 any homicide --

22 Q. A homicide investigation?

23 A. -- investigation, yeah. Probably a
24 substantial amount of interviews, if
25 there's any witnesses; interviews with

1 the defendant; photos of -- if an
2 autopsy would have been done in that
3 time frame, probably autopsy records;
4 the initial report, we call that the 02,
5 things like that.

6 **Q. You said if there are any witnesses. Is**
7 **it the agency's practice to wait for**
8 **witnesses to come forward?**

9 A. No, it is not.

10 Q. So would it be the agency's practice to
11 go out and start speaking to people --

12 A. It would be.

13 Q. -- immediately?

14 A. Yes.

15 Q. And would those interviews be
16 documented?

17 A. Yes.

18 Q. And included in that file?

19 A. Yes.

20 Q. Do you know of any case where they've
21 waited four months before going out with
22 respect to a homicide investigation to
23 interview witnesses?

24 A. Not that I'm aware of, no.

25 Q. Would you consider it unusual to wait

1 four months before you inter -- go out
2 and find people to interview in a
3 homicide case?

4 A. I would, yes.

5 **Q. Unheard of?**

6 A. I've never heard of it.

7 **Q. Okay. Do you know from Chief Kelly when**
8 **and where the -- the file was first**
9 **found?**

10 A. I -- I don't re -- no, I don't remember
11 if I've asked him or I just don't recall
12 where he said he found the file at. I
13 know -- I do remember him saying that he
14 had to spend some effort in trying to
15 locate the file.

16 **Q. Okay. And did he describe those**
17 **efforts?**

18 MS. CALLAHAN: I'm going to
19 have to object for the record based on
20 hearsay of what Officer -- or Chief
21 Kelly --

22 THE WITNESS: Chief Kelly,
23 yeah.

24 MS. CALLAHAN: -- told him, is
25 -- is hearsay, so I'm going to object

1 for the record.

2 **Q. You -- You can go ahead and answer --**

3 A. Yeah.

4 **Q. -- whether he described --**

5 A. He did not describe, yeah.

6 **Q. Okay.**

7 A. He just said that basically he
8 remembered having to spend a
9 considerable amount of time trying to
10 locate the file because it was -- it was
11 coming up for -- for whatever the
12 proceeding was in 2018, 2019.

13 **Q. Was that file -- Did -- Did he indicate**
14 **whether or not that file was in the file**
15 **storage room?**

16 A. Now, I don't -- let me correct myself.

17 I apologize. I'm not sure if he knew --
18 MS. CALLAHAN: I'm just going
19 to go ahead for the record and just do a
20 standing objection to this line --

21 MR. LAU: Of course.

22 MS. CALLAHAN: -- of
23 questioning.

24 A. I don't -- I don't recall if it was the
25 file specifically or just any and all

1 evidence related to the file
2 specifically. So it may be that he was
3 able to locate the file and not the
4 evidence or the evidence and not the
5 file. I'm not a hundred percent sure.

6 Q. Okay. So -- So at some point in time,
7 former Chief Kelly indicated to you that
8 he searched for records in this case,
9 and you don't understand -- you don't know
10 the full extent of what that --

11 A. I don't. I don't.

12 Q. -- was? Okay.

13 Are you aware, does the agency
14 -- On behalf of the agency, are you
15 aware of any files being lost at any
16 period of time from the department?

17 A. I'm not, no.

18 Q. Now, there's been some renovations of
19 the police department over time; is that
20 correct?

21 A. That's correct.

22 Q. And do you know generally what was done
23 to secure the files during the course of
24 those renovations?

25 A. I do not know. Once -- Once again, that

1 was before I started.

2 **Q. Do you know when those renovations**
3 **occurred?**

4 A. Not exactly, no. I think it was '01 or
5 '02.

6 **Q. Okay. Have -- Have you had any**
7 **conversations with other members of the**
8 **Rockingham Police Department with**
9 **regards to what took place during the**
10 **first four months of -- of investigation**
11 **in the Jeremy Rankin --**

12 A. I have not.

13 **Q. -- homicide case?**

14 **Do you know prior to 2006 the**
15 **individuals who would have had -- had**
16 **access to the case files in the**
17 **Rockingham Police Department?**

18 A. Not with -- Not with any certainty, I
19 don't, no.

20 **Q. Are there some individuals that you**
21 **would expect had access to the files?**

22 A. I would expect that possibly the chief
23 and/or assistant chief then would have
24 had access to the files.

25 **Q. And who was the chief when you started?**

1 A. Robert Voorhees.

2 Q. And Chief Kelly seceded --

3 A. That --

4 Q. -- Mr. Voorhees?

5 A. That's correct.

6 Q. And prior to Mr. Voorhees, do you know
7 who the chief of the agency was at that
8 point in time?

9 A. Chief Martin.

10 Q. Okay. Do you know Mr. Martin's first
11 name?

12 A. He -- He goes by E.R. Martin --

13 Q. We --

14 A. -- I don't know --

15 Q. -- we can --

16 A. Yeah, I apologize.

17 Q. That's okay. I appreciate that. And --
18 And -- And at what point in time, do you
19 know, was Mr. Martin -- or Chief Martin
20 the chief?

21 A. I'm not -- I'm not sure when Voorhees
22 became chief in Rockingham.

23 Q. Okay.

24 A. He was the chief obviously when I
25 started, and Mr. Martin was the

1 magistrate at the time when I started at
2 the police department.

3 Q. Okay. You said the assistant chief. So
4 for as long as you can remember, the two
5 people with access to the files were the
6 chief and the assistant chief; is that
7 right?

8 A. I'm going to assume the assistant chief
9 had access to the files, just because my
10 assistant chief has access to the files,
11 but I -- I can't speak with any
12 certainty on that.

13 Q. So -- So there is a file custodian, but
14 they don't have direct access --

15 A. They don't.

16 Q. -- to the file room?

17 A. No.

18 Q. Has that always been the case?

19 A. I don't know. I don't -- There's not
20 really a need for them to have access to
21 the file room now, but -- like I said
22 before, because everything is in RMS.
23 So they can answer most questions if
24 someone were to call about a report or
25 an incident via RMS because all the

1 notes that the investigators put in
2 there are typed into RMS, as well.

3 So --

4 **Q. Okay. What -- What is the role of that**
5 **custodian if things are more or less**
6 **electronically stored --**

7 A. It --

8 **Q. -- within the department?**

9 A. Well, right now, she is responsible for
10 helping purge some of these older
11 records out to create space for -- for
12 new records.

13 She enters property. We still
14 do property sheets. We're working
15 towards digitizing that, but right now,
16 you fill out a property sheet, you hand
17 it to her, and she enters that into RMS.
18 She'll answer any questions that someone
19 may have, generalized questions about a
20 report or investigation. She can look
21 that up.

22 If it becomes a little more
23 involved, then she transfers that over
24 to the investigator who's handling that
25 case.

3 Q. Okay. Has the RPD ever conducted an
4 audit of its files --

5 A. Not that I'm aware --

6 Q. -- since you've --

7 A. -- of.

8 Q. -- been -- specifically what it has in
9 its possession?

10 A. Not that I'm aware of.

11 Q. Okay. Any effort to ensure that the
12 contents of the 1995 file cabinet are
13 indeed 1995 records and so forth for
14 additional years?

15 A. As far as the filing -- files, is that
16 what you're --

17 Q. Yes.

18 A. -- the -- as far as -- yes.

19 Q. So that effort has taken place to ensure
20 that within the file storage space, the
21 files are appropriately --

22 A. Yes.

23 0. -- kept?

24 A. Yes.

25 Q. And are locations of those files

1 something that is documented beyond --
2 anywhere beyond just the -- going to the
3 cabinet?

4 A. Just the filing cabinet? That's pretty
5 much the -- the extent of it right now,
6 yes.

7 Q. Okay. What training is done for
8 officers with respect to their
9 file-keeping practices and ensuring that
10 all materials end up in that master case
11 file?

12 A. So obviously they go through their basic
13 law enforcement training, and then they
14 go through an FTO program with us where
15 we cover what's expected as far as being
16 part of their felony file or if it's a
17 misdemeanor case, what's expected to be
18 in -- in their personal file, as well.

19 Q. And -- And an understanding of their
20 personal file, those contents have to at
21 some point in time be conveyed or
22 placed --

23 A. Correct.

24 Q. -- in the master file, as well?

25 I just want to define some of

1 these things with you. The master case
2 file is the full record of the
3 investigation for the Rockingham Police
4 Department; is that --

5 A. Correct.

6 Q. -- right?

7 When you spoke with former
8 Chief Kelly, the master case file in the
9 Rankin homicide is presently stored in
10 the safe?

11 A. That's correct.

12 Q. And you understood it to be the master
13 case file in the Rankin homicide?

14 A. That's correct.

15 Q. Okay. And is there anybody other than
16 you or the assistant chief with access
17 to that safe?

18 A. I don't have access to the safe. Yeah.
19 It's just not my property. The
20 custodian has access to the safe.

21 Q. Okay. And has that been the case over
22 the years, that the property custodian
23 -- So -- So I want to -- I want to flesh
24 this out a little bit.

25 A. Yeah.

1 Q. So what's the difference between the
2 file custodian and the property
3 custodian?

4 A. So the -- the property custodian, he
5 handles -- once you fill out this
6 property sheet and our property custo --
7 or our file custodian enters it into our
8 RMS system, you have to sign over the
9 property to our property custodian, then
10 he places it in the appropriate storage
11 facility.

12 Now, the safe -- the contents
13 of the safe typically are just drugs,
14 money, guns. We did have one other case
15 that was in the safe. It was a
16 homicide, as well, just -- and I can't
17 recall why it was -- why it was placed
18 in the safe, but for whatever reason,
19 Chief Kelly put this into the safe, as
20 well.

21 Q. So is there a log of it going into the
22 safe then?

23 A. Yes, there should be. Yeah.

24 Q. So moving forward from the time it's
25 placed into the safe, it's in your

1 **property control system?**

2 A. Correct.

3 **Q. And the property control system would**
4 **generate a chain of custody any time**
5 **that file subsequently would be**
6 **accessed?**

7 A. Yeah. That's -- Well theoretically,
8 yes. If that's how Chief Kelly had it
9 entered into the safe, then, yes, there
10 should be -- in RMS, but the problem --
11 the problem would be is that this OCA
12 wouldn't have even have existed for RMS.
13 So in order for us to get an OCA, we
14 have to call the ECOM, the central
15 communications --

16 **Q. Okay.**

17 A. -- and they generate a case number,
18 which we call an OCA. And we're able to
19 use that to then generate property
20 sheets and incident reports and things
21 of that nature.

22 So to say that it's in the
23 system now, I don't know with any
24 certainty. I can definitely look into
25 that though.

1 **Q. Okay.**

2 A. Yeah.

3 **Q. So for your --**

4 A. There -- There should be a record of
5 when he -- whoever picked this stuff up
6 from the clerk's office after the last
7 hearing or proceeding, and when it went
8 back to the Rockingham Police
9 Department, there should be a record
10 probably here of that.

11 **Q. Okay.**

12 MR. LAU: That would be all my
13 questions.

14 CROSS-EXAMINATION

15 BY MR. DUNN:

16 **Q. Good afternoon. I wanted to talk about**
17 **just a couple of points here. Hopefully**
18 **it won't take too much of our time.**

19 A. Okay.

20 **Q. So speaking generally of the time frame**
21 **from 1995, just call it, to 1998, you**
22 **weren't in law enforcement of any type**
23 **at that time, were you?**

24 A. I still was in high school.

25 **Q. You were in high school, okay. So**

1 exactly what went on in those years,
2 investigative activity, policies and
3 procedures, you don't have direct
4 knowledge of those --

5 A. I do not.

6 Q. -- from -- from dating back to that
7 time?

8 A. No.

9 Q. You'd have -- You'd have to speculate?

10 A. Correct.

11 Q. Okay. So you testified a little bit
12 earlier about -- you were asked like
13 what -- what you would expect to see in
14 a master case file, and one of the
15 things -- some of the things that you
16 mentioned were witness statements and
17 anything that happened from the time the
18 case was opened until -- I mean, just
19 ongoing, I suppose --

20 A. Right.

21 Q. -- is that -- is that right?

22 A. Yes.

23 Q. Speaking of the McRae case or the Rankin
24 case specifically, do you know if there
25 was any witness statements collected

1 between October 14th, 1995, and March
2 1st, 1996?

3 A. I do not.

4 Q. Do you know if any neighborhood
5 canvassing was done between October
6 14th, 1995, and March 1st, 1996?

7 A. I do not.

8 Q. So you don't know -- correct me if I'm
9 wrong, do you know of something that
10 should be in this specific McRae/Rankin
11 file that is not in that file right now?

12 A. I have -- I would -- I would have no
13 idea.

14 Q. Just --

15 A. Yeah.

16 Q. -- no idea?

17 You testified a little bit
18 about an offsite storage area that was
19 used, and it may or may not be used at
20 this time.

21 A. Correct.

22 Q. Do you know if the -- I think you
23 referred to them as the felony case
24 files, the -- the murders, rapes, those
25 sorts of things, were they ever stored

1 offsite? Do -- Do you have any idea?

2 A. I -- I don't know.

3 Q. Okay. Especially going back to '95 --

4 A. No.

5 Q. -- **ninety** --

6 Do you know if the storage

7 area -- the offsite storage was used

8 during '95, '98, any -- any of that time

9 period?

10 A. I don't think there are -- any files
11 were stored in that area. I think that
12 older evidence was stored in that area.

13 Q. All right.

14 A. All the files were still in a filing
15 cabinet --

16 o. okay.

17 A. -- is my understanding.

18 Q. And then again -- you state now, current
19 procedure is -- for a certification of
20 discovery to go back into your file
21 after you've turned it over to the
22 district attorney's office; is that
23 correct?

24 A That's correct

25 Q. Are you -- Do you know if that was the

1 procedure back when this case was handed
2 over to the DA's office?

3 A. I don't believe it was. I can't say for
4 sure. But I remember when the discovery
5 certification sheet became a thing in
6 Richmond County, so I assume that it
7 probably wasn't a thing before --

8 **Q. Right.**

9 A. -- you know, '09 or 2010.

10 **Q. Gotcha.**

11 CROSS-EXAMINATION

12 BY MS. CALLAHAN:

13 **Q. If the police department was being**
14 **renovated, would they have kept their**
15 **master files where they usually do, or**
16 **do you have any direct knowledge of what**
17 **they did with those files during that**
18 **renovation?**

19 A. I don't know what the building looked
20 like before, you know, what it looks
21 like now. So I don't know where the
22 files were kept before versus where
23 they're kept now. I don't know if those
24 renovations would have made them alter
25 or move those files to complete those

1 renovations.

2 Q. Okay. And you've done your very best
3 efforts to comply with the subpoena to
4 look for documents in this particular
5 '95, '96 period of time?

6 A. Yes, ma'am. That's correct.

7 Q. And you did not find any?

8 A. No.

9 MS. CALLAHAN: Thank you. I
10 don't have anything further.

11 MR. DUNN: No further.

12 REDIRECT EXAMINATION

13 BY MR. LAU:

14 Q. Just -- Just a couple additional
15 questions. Speaking to the questions
16 from respondent with respect to your
17 knowledge of what transpired during the
18 period of time between October 14th,
19 15th, 1995, through March 1st, 1996, are
20 -- are you aware that Detective
21 Voorhees, former Chief Voorhees,
22 testified that suspects from outside of
23 the City of Rockingham were investigated
24 in the case?

25 A. No, I was not aware of that.

1 Q. Would you expect to find the records of
2 those suspects who were investigated in
3 a master case file?

4 A. Yes, I would expect to see those.

5 Q. And were you aware they testified that
6 they looked into Mr. Rankin himself
7 during that investigation?

8 A. I was not aware of that.

9 Q. Would you expect to find out the
10 information that they learned through
11 the course of their investigation into
12 Mr. Rankin in the master case file?

13 A. I would.

14 Q. Now, with respect to the files offsite,
15 you testified that your understanding is
16 that files were not stored there, but
17 you do not have personal knowledge of --

18 A. I --

19 Q. -- what sorts of --

20 A. Yeah, I don't.

21 Q. And -- And you -- you -- you don't know
22 specifically whether -- or if files or
23 any Rockingham Police Department
24 property still resides in that --

25 A. Not with --

1 Q. -- storage --

2 A. -- not with any certainty, no.

3 Q. Okay. You said you did not believe that
4 the discovery certification existed back
5 during this period of time, between 1995
6 and 1998?

7 A. I don't think so, no.

8 Q. Do you have any indication of what it
9 was -- you know, have you -- have you
10 familiarized yourself, spoken with
11 former Chief Kelly or anybody about what
12 the agency's obligation to turn over to
13 the DA's office at that period of time
14 was?

15 A. I -- I did not ask him specifically what
16 the obligation would have been in that
17 timeline, and, honestly, he -- he may
18 not know, because I think he was a
19 patrol officer, but I would assume it
20 was substantially the same. I mean,
21 whatever is in your case file should
22 be turned over to -- to the DA's
23 office.

24 MR. LAU: I have nothing
25 further.

1 RECROSS-EXAMINATION

2 BY MS. CALLAHAN:

3 Q. Do you have any direct knowledge of
4 whether police officers kept their
5 investigative notes in their master file
6 at that time?

7 A. I don't.

8 MR. DUNN: Thank you.

9 THE WITNESS: All right.

10 THE VIDEOGRAPHER: This
11 concludes the deposition of corporate
12 designee George Gillenwater, media
13 number one. The time is 2:34 p.m. We
14 are off the record.

15 (THE DEPOSITION CONCLUDED AT 2:34 P.M.)

16

17

18

19

20

21

22

23

24

25

ERRATA SHEET

2	Case Name:	Derrick Jovan McRae		
3		vs.		
4		Erik Hooks		
5	Case Number:	1:21CV577		
6	Deponent:	George Gillenwater		
7	Date:	September 26, 2022		
8	PAGE	LINE	READS	SHOULD READ
9	/	/		/
10	/	/		/
11	/	/		/
12	/	/		/
13	/	/		/
14	/	/		/
15	/	/		/
16	/	/		/
17	/	/		/
18	/	/		/
19	/	/		/
20	/	/		/
21	/	/		/
22	/	/		/
23	/	/		/
24	/	/		/
25	/	/		/

DERRICK JOVAN McRAE V. ERIK A. HOOKS**30(b)(6)****George Gillenwater on 09/26/2022****Page 54**

1	PAGE	LINE	READS	SHOULD READ
2	/	/	/	/
3	/	/	/	/
4	/	/	/	/
5	/	/	/	/
6	/	/	/	/
7	/	/	/	/
8	/	/	/	/
9	/	/	/	/
10	/	/	/	/
11	/	/	/	/
12	/	/	/	/
13	/	/	/	/
14	/	/	/	/
15	/	/	/	/
16	/	/	/	/
17	/	/	/	/
18	/	/	/	/
19	/	/	/	/
20	/	/	/	/
21	/	/	/	/
22	/	/	/	/
23	/	/	/	/
24	/	/	/	/
25	/	/	/	/

1 SIGNATURE

2

3 I, George Gillenwater, do hereby state
4 under oath that I have read the above
5 and foregoing deposition in its entirety
and that the same is a full, true, and
correct transcript of my testimony.

6

7 Signature is subject to corrections on
attached errata sheet, if any.

8

9

10 George Gillenwater

11

12 State of _____

13

14 County of _____

15

16 Sworn to and subscribed before me this
17 _____ day of _____, 20___.
18

19

20 _____
21 Notary Public

22

23 My commission expires: _____
24

25

1 CERTIFICATE

1 I, Kylie Fleming, a notary public in and
2 for the State of North Carolina, do
3 hereby certify that there came before me
4 on the 26th day of September, 2022, the
5 person hereinbefore named, who was by me
6 duly sworn to testify to the truth and
7 nothing but the truth of his knowledge
8 concerning the matters in controversy in
9 this cause; that the witness was
thereupon examined under oath, the
examination reduced to typewriting.

10

11 I further certify that I am not counsel
12 for, nor in the employment of any of the
13 parties to this action; that I am not
14 related by blood or marriage to any of
the parties, nor am I interested, either
directly or indirectly, in the results
of this action.

15

16 In witness whereon, I have hereto set my
hand, this the 30th day of September,
2022.

17

18

Kylie Fleming
Notary Public

20

21

22

23

24

25

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: 01..ahead

	46:2,6	21st	10:24	20
0	49:19		16:11 19:8	accessed
01 35:4	1998 44:21		30:4	43:6
02 18:2	51:6	26th	4:3	accessible
29:7 31:4	1:21CV577	28379	4:18	14:21
35:5	4:15	2:34	52:13,	accident
03 18:2	1:50 4:4		15	29:8
04 26:17	1procedures			acknowledgment
06 23:2	45:3		3	26:13
07 23:2	1st 46:2,6	30(b)(6)	4:7	activities
	49:19		6:9,10	30:17
09 48:9		31st	10:17	activity
	2			45:2
1			9	additional
105 4:16	2000s 18:17			39:14
14th 46:1,6	2006 9:20	95	8:9	49:14
49:18	10:9,11		47:3,8	
	35:14		49:5	affirm 5:22
15th 10:23	2009 27:6,7	96	8:5,15	afternoon
16:11 19:8	2010 27:6,7		11:18 49:5	44:16
29:24	48:9	98	47:8	agency 6:24
49:19				9:18
1995 10:23	2012 9:21			10:15,18
12:25 13:2	2014 9:21,			16:20 25:5
15:19	24	A		26:17
16:11	2018 11:7			27:21
29:24	14:13			30:5,11,17
39:12,13	19:18	access		34:13,14
44:21			13:15,25	
46:1,6	33:12		15:24 16:6	36:7
49:19 51:5	2019 14:13		20:9,17,18	agency's
	19:19		21:8,18	31:7,10
1996 10:24	33:12		35:16,21,	51:12
12:12			24 37:5,9,	agent 9:22
16:11 19:9	2022 4:3		10,14,20	
29:24 30:4	10:17		41:16,18,	ahead 33:2,

DERRICK JOVAN McRAE V. ERIK A. HOOKS

George Gillenwater on 09/26/2022

Index: alter..calling

30(b)(6)

19	26:22	11:17, 25	14:13
alter 48:24	assume 15:20	15:8, 19	bit 9:15
alternate 23:24	16:24 37:8	16:21	41:24
amount 30:24	48:6 51:19	17:9, 14, 15	45:11
and/or 35:23	assumptions	22:22	46:17
answering 10:8	23:10	23:7, 12	briefly 9:20
anymore 24:23	attempted	25:6 44:8	Brigman 8:21
apologize 33:17	6:16	45:6 47:3,	Brisk 11:22
36:16	attorney	20 48:1	building
apparent 20:5	26:25 27:1	51:4	23:25 24:5
appropriately 39:21	attorney's	base 17:22	48:19
approximately 4:4	25:20, 22	based 30:2	burns 26:23
area 24:20	26:1 27:9,	32:19	<hr/>
46:18	22 47:22	basic 40:12	<hr/>
47:7, 11, 12	audio 22:9	basically	C
assaults 13:13	audiotapes	9:13 26:4,	cabinet
assistant 13:15, 20,	16:25 17:5	6 33:7	12:25 13:3
24 20:10,	audit 39:4	Bates 11:25	39:12
21 28:3	August 10:17	22:14	40:3, 4
35:23	autopsy	26:15	47:15
37:3, 6, 8,	31:2, 3	began 17:17	cabinets
10 41:16	aware 18:23	27:3	12:16, 22
assistants	25:9, 13	begin 6:4	call 31:4
	27:20	19:12	37:24
	31:24	beginning	43:14, 18
	34:13, 15	4:6	44:21
	39:5, 10	behalf 4:25	Callahan
	49:20, 25	5:3, 5 6:7	5:2, 3
	50:5, 8	29:15	32:18, 24
	<hr/>	34:14	33:18, 22
	B	Billy 7:17	48:12 49:9
		9:4, 10	52:2
	back 8:12	10:3 11:2	called 26:2
	9:23	13:23	calling

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: canvassing..copy

19:24,25	CDS	17:6	Chris	8:21	16
canvassing	central		Chuck	4:18	computers
46:5	43:14		city	23:25	18:22
Carolina	certainty			49:23	CONCLUDED
4:14,18	15:23				52:15
29:1	35:18		clarify		concludes
case 4:12,	37:12			12:10	52:11
14 7:12	43:24 51:2		cleaned		conducted
8:17 12:12	certification			24:20	39:3
14:5 16:13	26:12		clerk	11:17	confer 6:11,
22:5,6,12,	27:23			13:17	15 8:23
13 23:3,5,	28:8,12,16		clerk's		confusion
9 24:10	47:19 48:5			11:12	19:23 20:2
25:1,2	51:4			19:22 44:6	
26:5 28:2,	chain 43:4		cloud	21:9,	considerable
15 29:18,				19	33:9
20 30:6,14	checked		collected		contact 9:8,
31:20 32:3	11:14			45:25	11,16
34:8	chief 7:7,17				contents
35:13,16	9:4 10:2		comfortable		19:6,7
37:18	13:15,20,			10:8	22:2 39:12
38:25	23,24 15:7		committed		40:20
40:10,17	19:5			26:7	42:12
41:1,8,13,	20:10,21		communicated		control
21 42:14	24:20			6:13	43:1,3
43:17	25:11				conversations
45:14,18,	32:7,20,22		communications		35:7
23,24	34:7			43:15	conveyed
46:23 48:1	35:22,23,				48:25
49:24	25 36:2,7,		complete		40:21
50:3,12	9,19,20,				conveying
51:21	22,24		completes		25:18
cases 13:11,	37:3,6,8,			26:5	copies 21:10
12 28:22	10 41:8,16		comply	49:3	
CD 17:2	42:19 43:8		computer		copy 28:7
21:10	49:21			17:9 21:2,	
	51:11				

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: corporate..digitizing

corporate	current	29:4	deceased	22:6 28:2
4:9 52:11		47:18	29:23	deposition
correct	curve	17:23	December	4:7 5:17
15:10	custo	42:6	10:4	6:21,25
16:21				52:11,15
18:18	custodian		decide 18:5	
33:16		12:9 13:6	defendant	Derrick 4:10
34:20,21		16:18	31:1	5:1 7:7,12
36:5 40:23		24:16	defense	describe
41:5,11,14		37:13 38:5	26:25	9:17
43:2 45:10		41:20,22	define 40:25	10:12,25
46:8,21		42:2,3,4,	deliver	13:6 14:22
47:23,24		7,9	27:25	18:6 22:1
49:6	custody	43:4	delivered	25:21
counsel 4:21				32:16 33:5
6:3,13		D	describes	
28:1				26:7
County 14:18	D-A-S	26:3	delivery	
48:6	DA's	21:13	27:12,17	designee
		26:13,19	department	6:9,24
couple 44:17		48:2	4:8 6:8,	52:12
49:14		51:13,22	14,19	Detective
Court 4:13	DAS	21:14	7:16,22	25:9 49:20
5:9,19 6:1		26:2,19	9:20,22,24	detectives
courts 14:13		27:15	10:3,7,13,	21:6
cover 40:15	database		16 13:9	determine
		17:9,17	14:7 15:17	8:24
create 29:13	date	26:8	20:23	difference
38:11			23:22	42:1
crime 26:7	dated	10:17	24:18 25:7	
			34:16,19	digital 21:1
criminal	dating	15:18	35:8,17	22:9
10:1 18:22		16:21 17:9	37:2 38:8	digitized
		45:6	41:4 44:9	18:10
CROSS-			48:13	digitizing
EXAMINATION	dealings		50:23	38:15
44:14		11:5		
48:11	death	10:19	depending	

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: direct..felony

direct 7:4 37:14 45:3 48:16 52:3	drugs 42:13 duly 7:2 Dunn 5:4,11 44:15 49:11 52:8	ensure 22:14 39:11,19 ensuring 40:9	expect 30:18 35:21,22 45:13 50:1,4,9
discovery 5:14 23:3 26:11,14 28:12 47:20 48:4 51:4	DVD 17:2 DVDS 17:6	entered 43:9 enters 38:13,17 42:7	expected 40:15,17 explained 19:14
discuss 27:17	E	entirety 26:10	extent 19:16 34:10 40:5
discussions 7:24	E.R. 36:12 earlier 15:8 45:12	entries 39:1 Eric 4:11 et al 4:11	F
disk 26:24	early 18:17	evidence 11:8,11,14 14:15 19:20 24:2,5 34:1,4 47:12	facility 23:24 42:11
district 4:13 5:15 25:19,22 26:1,25 27:8,22 47:22	easily 14:20 ECOM 43:14 effort 32:14 39:11,19 efforts 8:23 10:25 14:23	fact 29:22 Fair 9:2 faith 6:12 familiar 29:22	
division 10:1	32:17 49:3	examination 6:12 7:4 49:12	familiarized 51:10
documented 31:16 40:1	electronic 15:16,17, 24 16:9, 17,20	Excuse 29:25 exist 15:25 16:9 30:9	favor 5:16
documenting 27:20	electronically 17:6 38:6	existed 43:12 51:4	February 10:24 16:11 19:8
documents 12:21 17:7 49:4	email 6:15	existing 30:13	feel 7:19 30:4
downloads 26:23	end 40:10	exists 24:10,22	felony 13:12
driving 9:14	enforcement 40:13 44:22		25:25 28:22 40:16
Drug 9:23			

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: figure..Habrack

46:23	10:5 40:9	14:14 32:2	generally
figure 20:3	filed 23:15	49:7 50:1, 9	7:8,16 13:7 25:20
file 7:11, 14 11:4,8, 10,17 13:11 14:10,15, 16,23 19:11,20 20:9,12, 17,19,24, 25 21:2,5, 7,8,25 22:3,13,25 23:5,9,13, 14,15,17, 19 25:5, 11,15,23 26:5,11 28:9 29:14 31:18 32:8,12,15 33:10,13, 14,25 34:1,3,5 37:13,16, 21 39:12, 20 40:11, 16,18,20, 24 41:2,8, 13 42:2,7 43:5 45:14 46:11 47:20 50:3,12 51:21 52:5 file-keeping	12:12, 18 13:5,7 15:3,5,7 16:20 20:11,13 21:12 23:21 24:1,5,15, 16 25:18, 19,21,25 29:3,18 30:6 34:15,23 35:16,21, 24 37:5,9, 10 39:4, 15,21,25 46:24 47:10,14 48:15,17, 22,25 50:14,16, 22 filings 12:16,22, 25 13:3,15 14:1,5 16:7 17:4 39:15 40:4 47:14 fill 38:16 42:5 find 11:8, 23 12:8	4:20 flesh 41:23 follow 28:24 28:24 29:2 forward 31:8 42:24 found 29:23 32:9,12 frame 7:18, 23 8:1,4, 5,8 9:3,7 16:2,15 31:3 44:20 Franklin 4:17 FTO 40:14 full 34:10 41:2 generalized 16:14 38:19	30:17 34:22 44:20 20:20 43:4,17,19 George 4:9 7:1 52:12 Gillenwater 4:10 5:20 6:7,23 7:1,8 52:12 give 27:4 go-to 9:5 good 6:11 44:16 Gotcha 48:10 Grant 13:25 guess 14:19 16:25 21:24 27:4 30:20 guidelines 28:25 29:12 guns 42:14 H Habrack 4:19

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: half..judge's

half	30:12	41:9,13	indication	18:24
hand	5:21	42:16	51:8	22:24
27:10,14		homicides	individual	29:21
38:16		28:23 29:2	6:23	30:8,13, 22,23
handed	48:1	honest	24:23	individuals
handles	42:5	honestly	7:11	31:22
handling		15:20	35:15,20	35:10
38:24		16:22	infor	38:20 41:3
handwritten		51:17	information	50:7,11
22:18		Hooks	19:1	investigations
happened		hundred	4:11 18:23	10:1
27:5 45:17			34:5 50:10	investigative
header	26:6		initial	17:18
heard	6:17	idea	31:4 19:5	21:12
9:13 32:6		46:13,16 47:1		30:16 45:2
hearing	44:7	identical	inquiry	52:5
hearsay		21:19	19:10	investigator
32:20,25		identify		20:16 26:4
helping		12:14 15:3	inspect	38:24
38:10		16:8	30:11	
high	44:24,25	identifying	intend	investigators
		26:16	14:19	20:23 38:1
high-level		immediately	inter	involved
13:12		31:13	32:1	
historical		incident	interview	8:17 38:23
7:14 23:20		29:8 37:25	31:23 32:2	
history	9:18	43:20	interviews	J
homicide		included	22:7	
29:21		22:18	30:24,25	Jamie 4:25
30:21,22		31:18	31:15	7:6
31:22 32:3		indicating	introduce	Jeremy 10:20
35:13		23:16	4:22	29:21
		28:16	investigated	35:11
			49:23 50:2	Jovan 4:11
			investigation	judge 5:15
			10:19	judge's 5:14
			11:24 12:5	

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: keeping..meetings

	law	40:13	lost	34:15	40:10,24
		44:22		lot	20:1
					41:1,8,12
					45:14
keeping	7:15	laws	28:25		48:15
					50:3,12
Kelly	7:18,25	leading	29:7		52:5
10:3	9:4,10	learned			material
11:2	10:3	50:10			24:10
14:13		left	9:20		
15:6,7				magistrate	materials
19:6	24:20	limited	5:14	5:14 37:1	21:18,20,
32:7,21,22		9:1			24 27:8
34:7	36:2	listed	11:21	maintained	28:17
41:8	42:19			13:5 22:1	29:17
43:8	51:11	locate	11:1	28:23	40:10
			14:23		
key	13:10			Major	13:24
20:9		32:15		make	9:11,
		33:10	34:3	15	10:17
keys	13:21	located		12:19	11:21
Kimberly	5:2			19:5	12:24
knew	33:17	location		21:11,12	14:12,21
		4:16	23:17	23:3 28:7	19:4 28:2
knowledge				making	9:8
8:11	19:7	locations		27:17	matters 6:12
23:7	45:4	23:20			Mcrae 4:11
48:16		39:25		5:1 7:7,12	14:4 19:4,
49:17		lock	13:10	18:9	24 28:15
50:17	52:3			March	29:20
Kylie	4:20	log	20:13	46:1,6	45:23
		23:14		49:19	
		27:20		Martin	36:9,
			42:21	12,19,25	Mcrae/rankin
					46:10
laptop	21:16	long	13:19	Martin's	
		23:1	28:10	36:10	media 4:6
Lau	4:25				52:12
6:5	7:5,6	37:4		master	20:24
33:21		looked	25:11	21:25	meeting 6:15
44:12		48:19	50:6	22:2,25	meetings
49:13				23:9 25:14	27:16
51:24		loosely	12:22	29:18	

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: members..personal

members	35:7	ninety	47:5	office	11:12	original
mentioned		North	4:14, 17 29:1		19:22 21:13 25:20,22	11:4 22:7 owned 24:1
19:17		note	6:6		26:1,14,20	
45:16		noted	12:6		27:9,22	P
Middle	4:13	notes	22:18 38:1 52:5		44:6 47:22 48:2 51:13,23	p.m. 4:4 52:13,15
missing		number	4:14 9:11 12:2 26:16	officer	8:13 32:20 51:19	paperwork 12:3 part 11:24 12:5 14:6
12:20						
22:15						
money	42:14		43:17	officers	8:16 27:16 40:8 52:4	27:11,24 40:16
months	30:7, 13,20 31:21 32:1		52:13	officers'	22:17	party 6:10 patrol 8:13 51:19
35:10		object	5:13, 17 32:19, 25	offsite	25:5,15 46:18 47:1,7	people 31:11 32:2 37:5
morning		objection	5:13 33:20			percent 34:5
29:24		obligation	51:12,16			period 8:25
move	48:25			older	23:21	10:23 11:1
moving	42:24				24:1 38:10	15:18
murder	13:11				47:12	16:10
murders		OCA	12:2 43:11,13, 18	ongoing		17:10
46:24						
N		occurred				23:8,23
narcotics			18:16 26:9 35:3	opened	45:18	25:6,15 30:19
9:25				opportunity	7:10	34:16 47:9 49:5,18
nature	43:21	October	8:8			51:5,13
NCIC	39:1			order	5:15	personal
needed	21:7		10:23 15:19		43:13	40:18,20
neighborhood			16:10 19:8	ordinarily	30:11	50:17
46:4						
			29:24 46:1,5 49:18			

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: pertinent..questions

pertinent	Police-pak	10:11	program
12:23	18:1,5,13,	13:11	40:14
	21	14:22	
petitioner	policies	18:21 27:7	promoted
5:1 6:13,	45:2	30:2 35:14	10:2
20		36:6	property
photographs	policy	28:20	38:13,14,
22:8	portal	27:15	16 41:19,
	possession	43:10,11	22 42:2,4,
photos	39:9		6,9 43:1,
12:7		47:19 48:1	3,19 50:24
31:1	possibly		
	35:22		procedures
picked	potentially		20:17
44:5	15:25		pros
place	practice	20:18	20:17
11:16,	22:23		provided
19 26:9			
28:11 35:9	28:11	proceed	28:13
39:19	31:7,10		
places	practices	proceeding	21:7
42:10	7:21 8:24	5:18 11:9,	pull
	10:6,9,12	12 33:12	purge
point	40:9	44:7	29:3
11:5			38:10
27:2 34:6	prepared	proceedings	purged
36:8,18	7:19	14:17	29:10
40:21		purging	
points	presently	12:17	12:17
44:17	41:9	13:19,22	Pursuant
police	pretty	27:24 29:4	6:9
4:8	9:3		put
6:8,14,18	19:15	12:17	5:12
7:15,21	22:11 40:4	13:19,22	14:19 38:1
9:19,24		27:24	42:19
10:6,16	previously		
13:9 14:7	14:11	15:8,13	Q
15:17		25:21,25	
23:22	prints	27:8	questioning
24:18 25:7	26:24	producing	33:23
34:19		25:19	
35:8,17	prior	product	questions
37:2 41:3	6:17	22:24	7:20 10:8
44:8 48:13	7:17 9:4	production	37:23
50:23 52:4		25:24	38:18,19

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: raise..respondent

	32:19	regard	7:24	representative
	R	33:1,19	17:25	4:9
		41:2 44:4,	24:14	represented
raise	5:21	9 52:14	related	15:6 22:12
Rankin	10:20	recorder	10:19 14:4	23:5
	20:1	4:20,23	34:1	representing
	29:21,23	recordings	remember	4:23
	35:11	22:9	32:10,13	request
	41:9,13	recordkeeping	37:4 48:4	20:20
	45:23	7:20	remembered	requested
	50:6,12	records	33:8	10:22
rapes	13:13	10:18,22	removed	requesting
	46:24	11:1,18	20:11,14	10:18
reason	25:14	12:9 13:5,	29:17	required
	29:16	17 14:3,4,	removing	6:11 23:8,
	42:18	8,9 15:1,	29:13	12
recall	6:22	12,16,18,	renovated	requirement
	22:22	25 16:9,	48:14	6:16
	27:19	17,18	renovation	reserves
	32:11	17:18 18:9	48:18	6:22
	33:24	19:7 20:13	renovations	resides
	42:17	28:20,21	34:18,24	50:24
receive		30:3,7,12	35:2 48:24	resource 9:5
	28:11	31:3 34:8	49:1	resources
received		38:11,12	report 22:7	9:1
	10:16	39:13 50:1	31:4 37:24	respect 10:5
	26:14	RECROSS-	38:20	14:2 29:20
	27:18 28:4	EXAMINATION	REPORTER	31:22 40:8
receiving		52:1	5:9,19 6:1	49:16
	6:10	REDIRECT	reports 29:8	50:14
record	4:5,	49:12	43:20	respondent
	21 5:13	referred	represent	5:3,5
	6:6 21:14,	46:23	7:7	49:16
	15 28:24	referring		
	29:11	17:1		
	30:18			

DERRICK JOVAN McRAE V. ERIK A. HOOKS
George Gillenwater on 09/26/2022 Index: responsible..specifically

30(b)(6)

responsible	44:8 49:23	school	21:21
38:9	50:23	44:24,25	22:21
retention	role 38:4	search 15:1	25:8,13
28:19,21, 25 29:12	room 13:11, 16 14:1,5,	16:16	sit 6:24
retired 10:3	10 16:7	34:8	19:15
retrieved 11:11	17:4 20:9, 12 21:1,5, 7 23:14,	seceded 36:2	someone's 22:15
Revenue 9:23	17,19	secure 34:23	
review 12:12	29:14	seeking 30:3	sort 20:3 30:16
reviewed 13:2	33:15	send 21:13	sorted 20:4
Richmond 14:18 48:6	RPD 8:25 10:18 16:1 25:12 27:3	separate 13:14 14:6,9	sorts 46:25 50:19
RMS 18:1 29:6 37:22,25 38:2,17 42:8 43:10,12	29:15 39:3	September 4:3	space 29:14 38:11 39:20
	rule 5:16 6:8,10	server 17:22	speak 7:10, 25 8:16
	<hr/>	set 28:25	
	<hr/>	sexual 13:12	37:11
	<hr/>	share 8:3	speaking
Robert 8:19 9:8 23:24 36:1	safe 11:13, 16 14:4,5, 20 15:2,3, 5 19:21	She'll 38:18	16:19 29:15
Rockingham 4:8,17 6:8,14,18 7:15,21 9:19,24 10:6,15 13:9 15:16 18:1 23:22 24:18 25:7 35:8,17 36:22 41:3	20:7 24:9 41:10,17, 18,20 42:12,13, 15,18,19, 22,25 43:9	sheet 26:6 38:16 42:6 48:5	31:11 44:20 45:23 49:15
	scanned 17:8 26:18	sheets 38:14	special 9:22
	<hr/>	short 12:2	specific
	<hr/>	side 22:16	19:4 46:10
	<hr/>	sign 28:3,5 42:8	specifically 8:1,7,8
	<hr/>	sir 16:5 18:14,20	10:21 16:12 33:25 34:2

DERRICK JOVAN McRAE V. ERIK A. HOOKS

30(b)(6)

George Gillenwater on 09/26/2022

Index: speculate..told

39:8 45:24	20:12	suspect	26:8	45:15
50:22	23:24	suspects		46:25
51:15	33:15		49:22 50:2	time 4:3
speculate	39:20			6:17 7:18 ,
45:9	42:10	swear	4:24	23 8:1,4 ,
	46:18		5:7,22,25	5,8,25
spend	47:6,7	sworn	7:2	9:3,7,25
33:8	51:1			
spent	14:14	system	17:9	10:13
	store		18:6,9	13:24
spoke	18:22		26:2,19	14:14 15:9
7:17	stored		27:3,15	16:2,10,14
11:2 41:7	13:7		42:8 43:1 ,	17:10 19:3
	15:18 17:7		3,23	20:2 21:5
spoken	22:3,25			
51:10	24:17 38:6			
stamped	41:9 46:25			23:8,23
22:14	47:11,12			24:3 25:6 ,
26:15	50:16			16 26:9
stamping	Street	talk	44:16	27:2 30:4 ,
12:1	4:17			19 31:3
standing	stuff	technician		33:9 34:6 ,
33:20	27:14		11:15	16,19
start	29:13 44:5	Techs	9:23	36:8,18
31:11	subpoena	ten	24:8	37:1 40:21
	6:11			
started	10:16,21	testified		42:24 43:4
5:6 ,	30:2 49:3		7:3 14:2	44:18,20 ,
12 9:19			25:10	23 45:7,17
23:1 29:12	subsequently		45:11	46:20 47:8
35:1,25	43:5		46:17	49:5,18
36:25 37:1	substantial		49:22	51:5,13
	30:24		50:5,15	52:6,13
starts		substantially		
26:16		theoretically		timeline
state			43:7	51:17
47:18				
stated	27:13	thing	48:5,7	today 4:2
14:11	51:20			5:22 6:21
statements		things	13:13	Today's 4:16
45:16,25	suppose		21:10 29:9	
	45:19		31:5 38:5	
states		supposed	41:1 43:20	told 11:10
4:12				32:24
storage	20:6			
15:15				

DERRICK JOVAN McRAE V. ERIK A. HOOKS
George Gillenwater on 09/26/2022

30(b)(6)

Index: town..Zachary

town	9:14	18:16	West	4:16
training		26:21	whereabouts	
40:7,13		40:19		11:3
		47:17		
transferred		50:15	witnesses	
21:25				30:25
		understood		31:6,8,23
transfers		9:17 41:12		
38:23			working	
transmission		Unheard 32:5		38:14
27:21		unique 26:15	written	12:3
transpired		United 4:12	wrong	46:9
49:17		unusual		
trucks	9:14	31:25		
truth	5:23,24		y	
		v		
turn	51:12	validations	year	10:4
turned	28:17	39:2		12:16
47:21		verse 4:11	years	9:21
51:22		versus 48:22		24:8 39:14
type	44:22	victim 26:8		41:22 45:1
typed	17:8,20 38:2	voorhees		
		8:19 9:9	Zachary	5:4
typically		25:10		
20:22		36:1,4,6,		
21:15		21 49:21		
42:13			z	
		W		
u		wait 31:7,25		
unable	11:23	waited 31:21		
12:8		walk 27:25		
underst	34:9	wanted 19:13		
understanding				
11:6 14:11		44:16		